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Docket No.: 80169(302730)  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Hirofumi Yoshioka

Application No.: 10/537,094

Confirmation No.: 2106

Filed: June 2, 2005

Art Unit: N/A

For: GERM-RESPONSIVE PROMOTER

Examiner: Not Yet Assigned

**INFORMATION DISCLOSURE STATEMENT (IDS)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

References BA, BB and CA - CC were cited in the Supplementary International Search Report. A copy of the Supplementary International Search Report is enclosed.

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned (37 CFR 1.97(b)(3)).

A copy of only those references listed below is attached:

For. Doc No.	Ctry	Patentee/Applicant	Publication Date
1078985	EP	Canada Majesty In Right	February 28, 200
91/15585	PCT	Rijkslandbouwniversiteit Wageningen	October 17, 1991

**Other Documents**

Hirofumi Yoshioka et al., "cDNA Cloning of Sesquiterpene Cyclase and Squalene Synthase, and Expression of the Genes in Potato Tuber Infected with *Phytophthora Infestans*," Plant Cell Physiology, Vol. 40, No. 9, September 1999, p.993-998.

Yoshioka H. et al., "Solanum tuberosum PVS3 mRNA for vetispiradiene synthase, complete cds," DATABASE EMBL [Online], XP-002444030 retrieved from EBI accession no. EMBL: AB022720, 2 pages.

MHAI Joosten et al., "The Tomato - Cladosporium Fulvum Interaction: A Versatile Experimental System to Study Plant-Pathogen Interactions," Annual Review of Phytopathol, 1999, pp. 335-367.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 80169(302730). A duplicate copy of this paper is enclosed.

Dated: September 6, 2007

Respectfully submitted,

By

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Used in Lieu of PTO/SB/08A/B  
(Based on PTO 04-07 version)

Substitute for form 1449/PTO		<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)		Application Number	10/537,094-Conf. #2106
		Filing Date	June 2, 2005
		First Named Inventor	Hirofumi Yoshioka
		Art Unit	N/A
		Examiner Name	Not Yet Assigned
Sheet	1	of	1
		Attorney Docket Number	80169(302730)

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
	BA	EP-1078985	02-28-2001	Canada Majesty In Right Of		
	BB	WO-91/15585	10-17-1991	Rijkslandbouwhogeschool		

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>7</sup>	
	CA	Hirofumi Yoshioka et al., "cDNA Cloning of Sesquiterpene Cyclase and Squalene Synthase, and Expression of the Genes in Potato Tuber Infected with <i>Phytophthora infestans</i> ," Plant Cell Physiology, Vol. 40, No. 9, September 1999, p.993-998.		
	CB	Yoshioka H. et al., "Solanum tuberosum PVS3 mRNA for vetispiradiene synthase, complete cds," DATABASE EMBL [Online], XP-002444030 retrieved from EBI accession no. EMBL: AB022720, 2 pages.		
	CC	MHAJ Joosten et al., "The Tomato - Cladosporium Fulvum Interaction: A Versatile Experimental System to Study Plant-Pathogen Interactions," Annual Review of Phytopathol, 1999, pp. 335-367.		

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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /M./

Examiner Signature	/Medina Ibrahim/	Date Considered	03/16/2009
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